

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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YAAKOV KATZ, individually and on behalf of a  
class of persons similarly situated,

Plaintiff,

vs.

METROPOLITAN TRANSPORTATION  
AUTHORITY, a New York public benefit  
corporation,

Defendant.  
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) Case No. 1:17-cv-00472-KAM-RLM

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**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANT  
METROPOLITAN TRANSPORTATION AUTHORITY'S MOTION TO DISMISS**

Defendant Metropolitan Transportation Authority ("MTA") respectfully requests that this Court take judicial notice of the following document, which is attached to the Declaration of Esteban Morales, submitted herewith:

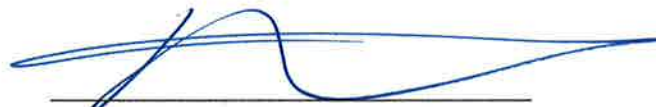
- First Amended Complaint; *Katz v. The Donna Karan Company, LLC, et al.*, United States District of New York for the Southern District of New York, Case No. 1:14-00740-PAC (Exhibit 1 to the Morales Declaration).

Under Rule 201 of the Federal Rules of Evidence, this Court may "judicially notice a fact that is not subject to reasonable dispute because it: (1) is generally known within the trial court's territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." Courts routinely take judicial notice of pleadings, such as the First Amended Complaint in *Katz v. The Donna Karan Company, LLC, et al.* See e.g. *Rothman v. Gregor*, 220 F.3d 81, 92 (2d Cir. 2000) (taking judicial notice of publicly filed complaint from another action); *5- Star Management, Inc. v. Rogers*, 940 F. Supp. 512, 518

(E.D.N.Y. 1996) (taking judicial notice of pleadings in other lawsuits attached to defendants' motion to dismiss).

MTA respectfully requests that this Court take judicial notice of the First Amended Complaint in *Katz v. The Donna Karan Company, LLC, et al.*, filed with a sister court as a document whose accuracy can be readily determined from sources whose accuracy cannot reasonably be questioned.

Dated: April 17, 2017



Joshua Briones (*pro hac vice*)  
Esteban Morales (*pro hac vice*)  
Todd Rosenbaum  
MINTZ, LEVIN, COHN, FERRIS,  
GLOVSKY and POPEO, P.C.  
Attorneys for Defendant  
Chrysler Center  
666 Third Avenue  
New York, NY 10017  
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**CERTIFICATE OF SERVICE**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 2029 Century Park East, Suite 1370, Los Angeles, California 90067.

On April 14, 2017, I served the foregoing documents described as:

- **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANT METROPOLITAN AUTHORITY'S MOTION TO DISMISS**

on the parties in this action by serving:

**Daniel V. Gsovski  
Shimshon Wexler  
Herzfeld & Rubin, P.C.  
125 Broad Street  
New York, New York 10004  
Email: DGsovski@herzfeld-rubin.com, swexleresq@gmail.com**

☒ By Envelope - by placing ☐ the original ☒ a true copy thereof enclosed in sealed envelopes addressed as above and delivering such envelopes:

☒ **By Mail:** As follows: I am "readily familiar" with this firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business.

☐ **By Facsimile Transmission:** On April 14, 2017, I caused the above-named document to be transmitted by facsimile transmission, from fax number 310-586-3202, to the offices of the addressee(s) at the facsimile number(s) so indicated below. The transmission was reported as complete and without error.

☒ **By E-Mail Electronic Transmission:** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the person(s) at the e-mail address(es) so indicated below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

Executed on April 14, 2017, at Los Angeles, California.

☒ **FEDERAL** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

  
JAZMIN LEON